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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,896	03/23/2001	Valentin Chartier	5974-073	7890

27383 7590 05/23/2003

CLIFFORD CHANCE US LLP  
200 PARK AVENUE  
NEW YORK, NY 10166

EXAMINER
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HAVAN, THU THAO

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/815,896

Applicant(s)

CHARTIER ET AL.

Examiner

Thu-Thao Havan

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

The informal drawings are quality to permit examination. Accordingly, new drawings are required once the application is allowed.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims **1-23** are rejected under 35 U.S.C. 102(e) as being unpatentable by Shinagawa et al. (US patent no. 6,323,863).

Re claim 1, Shinagawa discloses a computer system operation method for use with a CAD system in modeling objects, method providing a means for identifying geometric cells of a model, (col. 1, lines 7-25; col. 20, lines 6-26; col. 7, lines 40-67; fig. 1) the method comprising receiving input comprising one or more constraints relating to cell information (figs. 1, 18—element 2, and 30—element 21); for each constraint, determining whether the cell meets the requirement of the constraint (figs 7 and 18—element 3 is the determined unit that determines if the cell meets the requirement of the constraint in programming procedure of figure 7); generating a list of cells meeting the

requirements of the constraints (col. 8, lines 1-22; col. 9, lines 13-46; col. 10, lines 5-13—list of array consisting of a list of cells).

Re claim 2, Shinagawa teaches the computer system operation method wherein the constraints are chosen from a group comprising constraints relating to cell dimension (fig. 1); constraints relating to the topology of a cell (col.20, lines 6-26); constraints relating to the history of the model evolution (col.9, lines 13-46—the array of parent discloses the history of the model evolution); constraints relating to specific attributes of a cell (col. 22, line 51 to col. 23, line 6—parameters correspond to attributes); and constraints relating to geometrical indications of a cell (figs 5-9).

Re claim 3, the limitations of claim 3 are identical to claim 1 above except for the limitations further discussed below. Therefore, claim 3 is treated the same as discussed with respect to claim 1 above. Shinagawa teaches a CAD/CAM apparatus comprising (col. 1, lines 7-25), an input device (fig. 18-element 2); a central processing unit (col. 1, lines 40-55); and a display device (fig. 30—element 43).

Re claims 4, 6, 8, 10, 12, 14, 16-17, 20, and 22, the limitations of claims 4, 6, 8, 10, 12, 14, 16-17, 20, and 22 are identical to claim 2 above. Therefore, claim 4, 6, 8, 10, 12, 14, 16-17, 20, and 22 are treated the same as discussed with respect to claim 2 above.

Re claims 5, 7, 9, 11, 13, 15, 18-19, 21, and 23, the limitations of claims 5, 7, 9, 11, 13, 15, 18-19, 21, and 23 are identical to claim 1 above. Therefore, claim 5, 7, 9, 11, 13, 15, 18-19, 21, and 23 are treated the same as discussed with respect to claim 1 above.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mahmood et al., US patent no. 5,519,627

Fakhry, US patent no. 6,272,671

Silve et al., US Patent No. 6,113,647

Stewart et al., US Patent No. 5,973,678

### **Inquiries**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu-Thao Havan whose telephone number is (703) 308-7062. The examiner can normally be reached on Monday to Thursday from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Thu-Thao Havan  
Art Unit: 2672  
May 17, 2003



**MICHAEL RAZAVI**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**